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Fay Stender and the Politics of Murder by Diana Russell

Mass killings were considered gender-neutral before Lepine's frenzied shooting of "fucking feminists"

This is one person's account of an event that happened in 1979, but had its roots in the turbulent '60s. No picture of those times would be complete without noting that various government agencies were extremely active spying on and attempting to infiltrate and disrupt progressive, radical, and revolutionary organizations. The government's Counterintelligence Program (COINTELPRO) was in full swing, and a favorite tactic was spreading false rumors about particular groups and individuals to break up unity and sow dissension and disillusionment. While we don't know whether or to what extent government forces were involved in the attack on Fay Stender (setting it up, encouraging or carrying it out) and its aftermath, we think it's important for readers to keep this possibility in mind when reading Diana E.H. Russell's article.

Marc Lepine's massacre of 14 female engineering students in Montreal on 6 December 1989 marked the beginning of a new era of misogynist murder — or femicide, as some feminists have named such acts. Although i sexist murders are an everyday I phenomenon in the United States today (for example, the slaughter of women who reject their husbands, lovers, boyfriends, or admirers), and there has been a dramatic escalation in the number of serial killers of women in the past three decades, mass killings were considered to be gender-neutral forms of murder before Lepine's frenzied shooting of "fucking feminists." Rarely has a murderer of women been so explicit about his hatred of women and his motivation for killing them.

One of the effects of Lepine's mass femicide has been to break through many people's denial of how lethal misogyny often is for women. In contrast, when Fay Stender was shot by a man in 1979, no one asked whether her being a woman was a factor in the attempt to kill her; that is what I will address here. But first I will describe what happened in the early hours of Memorial Day, and what is known about Stender's wouldbe assassin.

"It's hard to accept the idea that, in the mind of some wouldbe assassin, pulling out [of the prison movement] just before she burned out is a sin punishable by the kind of lunatic brutality visited on her in the middle of the night in her own home." — Austin Scott, LA Times, 5 June 1979.

I have chosen to write about the death of Fay Stender, a well-known California attorney, because I was very deeply affected by it. In part this was because I knew her. Her lover was a close friend of mine. In addition, Stender lived in my neighborhood; I was with her only 24 hours before she was shot. As a political radical, I also identified with her. Consequently, I found the attempt to kill her for political reasons particularly horrifying.

Stender was shot six times at pointblank range in her Berkeley home by a man later identified as 27-year-old, exconvict Edward Brooks. One .38 caliber bullet hit Fay's head, narrowly missing her brain. Three other bullets stuck her in the abdomen and chest, damaging her spinal cord and right lung. The remaining two bullets fractured bones in her arms causing nerve damage. When Brooks ran from Stender's home, he "left her for dead." Ste"nder was 47 years old at the time, a feminist, the mother of two children, Neal and Oriane, and had recently separated from her attorney husband, Marvin.

Stender was on the critical list for the next few days and in the intensive care unit at a Berkeley hospital for several weeks. When she was discharged, she was permanently paralyzed from her waist down.

Unable to endure the profound disillusionment and the relentless physical pain, Stender herself eventually completed Brooks' attempt to terminate her life. "I'm just living for this [Brooks'] trial," she told friends. "I want to see him put away." Three months after Brooks was sentenced to 17 years in state prison for attempted murder, an overflowing congregation of grieving family, friends and acquaintances attended Stender's funeral — a year to the day (May 28,1980) after Brooks forced his way into her home and shot her.

Stender died in Hong Kong from a drug overdose. She had fled there in an effort to quell the terror of another assassination attempt. But with the diminution of this terror, Stender's grief, disillusionment and anger came to the fore. Try as she might, she was unable to obliterate these feelings and the state of profound despair that accompanied them. She killed herself after less than two months in the country she had chosen for selfbanishment, half a world away from her home.

Edward Brooks had used a woman to gain entrance to Stender's home. Believing her to be in distress, Stender's 20year-old son Neal opened the door. Brooks — armed with a gun — then stepped forward and demanded to speak to Stender.

"Please don't hurt us," pleaded Neal. "Get moving," Brooks insisted, "or I'll blow your fucking head off." Neal led Brooks upstairs to the bedroom where his mother sleepily answered his knock.

"There's a man with a gun who wants to talk to you," warned Neal. Seeing two women in the bed, Brooks asked Stender to identify herself. He then ordered her to sit at the desk.

"Have you ever betrayed anyone?" Brooks asked Stender. She denied that she had.

"Don't you feel you betrayed George Jackson?" Once again, Stender denied that she had. Brooks then ordered her to write the following statement:

"I, Fay Stender, admit I betrayed George Jackson and the prison movement when they needed me most."

Before he was gunned down in a prison escape attempt, Jackson had been a charismatic, political radical and author of the much acclaimed best-seller, Soledad Brother (1970), a passionate and eloquent account of his prison experiences and revolutionary politics. He had also been a longtime client of Stender's.

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After starting this coerced confession, Stender protested. 'This isn't true. I'm just writing this because you're holding a gun to my head.' But she completed the "confession" when Brooks threateningly waved his gun at her.

After pocketing the statement, Brooks requested money. Neal and "JoanMorris" — a pseudonym for the other woman trapped by Brooks in Stender's bedroom — gave him the few dollars they had with them, while Stender told him her money was downstairs in the kitchen. Brooks ordered Neal to tie Morris' hands together. Next, he forced Neal to lie facedown on the bed, tied his hands behind his back, then followed Stender to the kitchen. There, she started to give him the \$40 she had stashed away in a drawer, but Brooks suddenly raised his gun, and from a distance of only two feet, shot her six times.

Responding to Stender's screams, Neal ran downstairs, his hands still tied behind him. He found his mother lying on the floor, soaked in blood. "I'm dying," she sobbed.

Because Stender's would-be murderer did not know her, and because of the note he had forced her to write, police started their search for suspects in the Black Guerrilla Family (BGF), a militant African-American prison group that George Jackson had co-founded.

On June 8, Brooks was arrested in San Francisco for possession of marijuana. A gun found in his possession by the police was later determined by ballistic tests to be the weapon used to shoot Stender. But Brooks was released before the test was conducted. A few days after his release, Brooks was apprehended for armed robbery with five other men — four of them (including Brooks) ex-felons on parole from California prisons.

On 19 June, 1979, three weeks after the shooting, Edward Brooks was charged in court with attempting to murder Fay Stender.

It was not only Fay Stender who believed that Brooks was a gun whose trigger had been pulled by others. Most law enforcement authorities believed — and still do believe — that he was a member of this all-male group of prisoners and ex-prisoners formerly known as the Black Family, but transformed by Jackson into the Black Guerrilla Family. Jackson had hoped to replace "the criminal mentality" of group members with a "revolutionary consciousness."

Brooks, however, steadfastly denied that he had any connection with the BGF. He said that he admired George Jackson, but had never met him. During the trial, Thomas Broome, Brooks' attorney, did not allow his client to testify. According to Peter Collier and David Horowitz, authors of a 1981 article on the case, "Broome did not want Brooks to reveal his feelings about George Jackson, 'which was something he was really into and that would have hurt his case'."

Nonetheless, less than two months after Brooks' attempt to assassinate Fay Stender, Berkeley Barb reporter Bill Wallace expressed skepticism about Brooks' affiliation with the BGF. In part this skepticism was based on what Wallace considered to be the unreliability of the sources, often referred to in vague terms such as "law enforcement experts" or "prison authorities." Some, however, argue that fear of the BGF might have caused sources claiming knowledge of Brooks' membership to insist on anonymity. In addition, since secrecy about BGF membership was one of the group's rules, Brooks' denial of participation cannot be taken at face value.

Eleven years later, it seems that the weight of the evidence at my disposal indicates that Brooks was a member of the BGF. For example, the San Francisco Examiner claims to have obtained a 22page BGF document drafted at San Quentin in 1974 which states: "Our support has been destroyed by the vultures who call themselves movement lawyers, with the help from their patron saint Huey P. Newton. We call upon the most Honorable Magistrates (of the BGF revolutionary court) to render the people a just verdict by exposing and punishing those responsible for such atrocious crimes (against) the revolution." Although Stender was not mentioned by name, she was almost certainly one of the attorneys the authors had in mind, for Stender had left the movement in 1973; this document was written a year later.

In their 1979 article about the attack on Stender, San Francisco Examiner reporters Tim Reiterman and Don Martinez cited "official prison sources" as reporting that "Stender was one of a half-dozen lawyers named on BGF 'death warrants' issued several years ago, about the time that Stender was dropping her emphasis on prison."

Less than a month after Stender was shot, Charles Garry, a well-known, longtime Black Panther attorney with whom Stender had practiced law for nearly a decade, said that he had been informed by the Department of Corrections in Sacramento that he was also on an assassination hit list, as was attorney Salle Seamen Soladay. Both had been very active in the prison reform movement.

Since police protection was provided both Soladay and Garry, the authorities evidently took this "hit list" very seriously. While many on the left would likely mistrust information that comes from the Department of Corrections, Soladay and Garry did not. The pair were described as "staying in a constant state of preparedness against the chance that they may be the next assassin's target," and Soladay "left the Bay area temporarily" because she felt so threatened.

Reporters Collier and Horowitz write that a week after Stender was shot, Fleeta Drumgo — one of the Soledad Brothers who had been acquitted of murder after George Jackson's death — appeared in Garry's law offices. "He said he was a member of the Black Guerrilla Family, that he had known of the BGF's plans to shoot Fay two weeks before the event and that he was willing to sell information. He reappeared on several occasions, sometimes wearing a gun in his belt, and named a former prisonmate of Brooks as head of the BGF and the man who had ordered the shooting." One month before Brooks' trial began in January 1980, Drumgo was killed on an Oakland street.

Of course, Drumgo could have manufactured his story in an effort to exploit Garry's fears and get some money out of the attorney. On the other hand, consistent with Drumgo's story is the fact that Stender's daughter Oriane had bumped into him a few days before her mother was shot, and "he had told her someone was looking for her mother." In addition, Stender's mother also "received a death threat in the mail, signed by the BGF."

At the time of Stender's attempted murder, prison officials apparently considered the BGF to have become "a looseknit 'gang' with little of its initial political impetus." By 1989, this group was described in the San Francisco Chronicle as having completely lost its political dimension, having become instead "active in drug dealing, commercial burglary rings, contract murders, armed robbery gangs and forgery."

In March 1984, almost five years after Brooks shot Stender, he was stabbed nine times and killed by two Folsom Prison inmates. His murder allegedly occurred "during a fight between factions of a Black Guerrilla Family prison group." According to another source, "officials believe he lost his life because he dropped out of the Black Guerrilla Family."

Why did the BGF feel that Stender had betrayed George Jackson and the prison movement when they needed her most? The irony of this accusation is "almost beyond belief — as reporter Austin Scott pointed out in the Los Angeles Times — since it was Stender who first brought Jackson to public attention. It was she who conceived the notion of Jackson authoring a book, and it was she who was responsible for finding a publisher for what became an influential,

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passionate and moving bestseller, Soledad Brother. As his attorney, she did everything in her power to get him out of prison before he was killed in 1971.

Many of Jackson's letters to Stender are included in Soledad Brother. In some, he expresses great fondness and respect for her. "You are a very intelligent, sensitive and wonderful person," he wrote on March 5, 1970. In April of the same year: "You're like no one I've ever met from across the tracks. I do think a very great deal of you..." He ended this letter, "Fondly and Always," adding that he loved her.

Stender was so dedicated and active in the prison reform movement that Austin Scott described her as having been "nearly consumed" by it from 1969 to 1973. She formed the Prison Law Project in 1971, investigated charges of mistreatment, insisted on access to inmates, filed suits, talked to legislators, and tried in every way possible to arouse public concern about what she considered to be the Unjust and oppressive treatment of prisoners — particularly those who were African-American. Indeed, like many leftists at that time, Stender considered all prisoners to be political prisoners, no matter what had prompted their incarceration.

According to Scott, "For a few years in the very early 1970s, the Bay Area had the largest, best organized and best financed prison reform movement in the nation." At one point Stender received more than 100 letters a day from prisoners throughout the state seeking her assistance.

One source, who prefers to remain anonymous, maintains that Stender was seen as deserving death because she refused to supply George Jackson with a gun. Jackson believed that so armed, he would have been able to escape and initiate a revolution. According to Collier and Horowitz, "Because she had opposed Jackson's suicidal plans, it was whispered on the prison movement's paranoid grapevine that she was a 'sellout' and possibly even a police agent. She made her decision to leave the case when she received an envelope in the mail one day and opened it to find a razor blade.... When Jackson asked to see Fay late in June [1971], the person who relayed the message noted that her face was torn with fear. 'I'm not going in there alone, I'll take another lawyer with me,' Fay said."

In 1973 Stender had to close the Prison Law Project for lack of funds and because "after four years of doing nothing else, . it was just too painful." The pain included extreme disappointment in the behavior of some of the men she had helped. Attorney Doron Weinberg told Collier and Horowitz about one of Stender's clients for whom she had won parole. "Within a month he supposedly threw his girlfriend out the window. She knew the man well, and he had hurt the woman badly." Although Stender was appalled by his behavior, she continued to defend him, so his parole was not revoked.

After closing the Prison Law Project, Stender opened up a private law practice. During subsequent years, she became a feminist — thinking, writing, and organizing on feminist issues. Among other things, she helped to found California Women Lawyers. She also represented Jane Scherr, longtime live-in companion and co-parent of two children with Max Scherr—founder of the Berkeley Barb — in a palimony case. When they separated, Max refused Jane's claim for a share of the property. Having taken a strong feminist stand on this case, Stender felt stabbed in the back by former leftist friends who failed to support Jane, and ended up concluding that "the left betrayed me." For Stender this meant the loss of the community that had been her main professional support.

Stender's questioning of herself and her life opened her up to a lesbian relationship with attorney Joan Morris. This relationship was so important that after a lot of soul searching and turmoil, she decided to initiate a separation from Marvin — her husband of 25 years. But her relationship with Morris was cut short by Brooks' bullets. In the suicide note she sent to her lover from Hong Kong, she wrote: "Know that I tried and at times with you almost thought I might make it, but — I couldn't — every moment of it hurt overwhelmingly — too deep, too pervasively — way beyond acupuncture or psychotherapy."

A great deal of fear was engendered by the attack on Stender. As Berkeley Barb reporter Bill Wallace stated several weeks afterwards: "The atmosphere of fear created by the shooting remains impenetrably thick." Wallace quoted a local prison movement activist as saying, "I'm glad that you're the one doing this story and not me — I want nothing to do with it!" Likewise, several of my friends expressed anxiety on my behalf simply because of a short article I was writing about Stender's murder for a little-known feminist publication. Many people refused to even talk about the case.

My early attempts to understand this horror story in all its complexity, produced only the most cynical and bitter "insights." For example, I felt that Stender's experience showed that it was foolish — indeed dangerous — to try to work for radical change. That those who do so inevitably could not do enough — incurring criticism, being treated as "the enemy" by some of these critics, and becoming the target of accumulated hatred and frustration, while the real enemies were ignored. It seemed to be a warning to inactive but politically progressive people not to try to help solve some of the inequities in society, because if they did so, they might be in danger when they stopped. And for those already in the struggle who hadn't become too well known or hadn't been recognized as too valuable to the movement, the message was: Quit and be safe.

Not surprisingly, I was not the only one to respond in this way. Ezra Hendon, a friend and former colleague of Stender in the Prison Law Project, said that Stender's death "marked the end of an era in my life, and I think the end of an era, period. Her conviction that you could be committed to a political goal, work for it and be brilliant in its service—in a clean way— that's over for me. I don't know about the others, but I can't have that belief anymore.

"I guess it would be easy to say," Hendon continued, "that Fay played with fire, and people who play with fire get burned. But it should count for something that she wanted to be a force for good in the world, that she was a brilliant, remark' able woman who dedicated her life to others and to making the world a better place."

While appreciating the despair Stender and others felt, my own initial disillusionment, my conclusion that we should all confine ourselves to pursuing our own self-interests, came to feel intolerable, and incompatible with feminist principles. I am also aware that my privileged position makes it possible for me to weigh the pros-and-cons of making a commitment to social change instead of feathering my own nest. This privilege is one of the inequities that some less privileged people — like Brooks — respond to with rage.

Aside from the political motivation evident in the assassination plot — albeit twisted and outrageously unjust — I believe that sexism was another aspect of Brooks' and the BGF's political motivation in attacking Fay Stender.

For a start, I don't believe that it was mere coincidence that a woman was the first and only person on the BGF's hit list to be physically attacked, and that the most prominent radical woman attorney involved in the prison movement was the one to be riddled with bullets. I believe that Stender was probably not only shot for pulling out of the prison movement, but because she was a woman who did so against the wishes of her male clients.

Reporter Austin Scott describes the way Stender felt about her treatment in the prison reform movement after she had left it. "She was ridiculed and threatened by those who disagreed with her position, abused and pulled in far too many directions by far too many inmates who saw her as their one desperate chance to get out." Many of them, continued Scott, "smuggled pleading letters out of their prisons up and down the state to her." Reporters Reiterman

and Martinez quote a San Quentin convict as pointing out that "for everyone she helped, there were two or three others who wanted her help but couldn't get it."

The picture that emerges is one where hundreds of needy, dependent men — needy and dependent because of their incarcerated status — relied on Stender for assistance. It was a life versus death, freedom versus incarceration kind of assistance they wanted. Yet, sometimes, after Stender had succeeded in winning the release of a client, he spurned her.

For example, Stender was extremely hurt by the way Black Panther Huey Newton treated her after she got him out of prison. Roberta Brooks, a friend of Stender, told journalists Horowitz and Collier that: "She told me that she and Huey had been very close, and then when she saw him at a party after he was released on the basis of her appeal, he didn't even speak to her. Her attitude was, 'Jesus Christ, I sacrificed spending weekends with my family to go down there to San Luis Obispo to deal with his case, and then I see him in a room and he doesn't speak to me.'" Brooks also told Collier and Horowitz that from her discussion with Stender, "it was clear that her feminism drew in part on the time she'd spent representing men in prison." She (Stender) felt that "they ripped her off on some level."

It is not uncommon for needy, dependent, misogynist men to kill their wives, lovers and girlfriends for walking out on them against their wishes. Perhaps Stender's walking out on male prisoners tapped into this kind of rage against a woman they depended on daring to finally put her own interests before theirs.

Interestingly, "there were signs as early as 1977 that Stender was concerned about her safety." For example, according to Reiterman and Martinez, she and her husband "changed their phone number several times and wouldn't give it out to some friends." Stender also apparently had "window vents in her house designed so that no one could climb through the openings." She even told the Examiner in June 1978 "that many people were unhappy that she quit prison reform work, that some believed she had betrayed the prison movement, that threats had been made against her and that she wouldn't be surprised if someone took a shot at her."

As a college professor for 20 years, I have experienced a phenomenon that many of my female colleagues have also observed, particularly those who are feminists. Many of my students feel free to make demands on me — some of which are quite outrageous — that I am convinced they would not so readily ask of male professors. For example, one student — a Women's Studies major, I'm sorry to say — recently asked me to move my 35student class to another room so that someone who wasn't enrolled in my course could attend it for 20 minutes out of the one-and-a-half-hour period. When I refuse to accommodate such requests, the response is often that I am being unreasonable, authoritarian, or mean.

Other feminist professors have described this common experience to illustrate how sexism operates in the classroom. But such responses are not confined to academic settings. It is a common experience of women in powerful roles, no matter what their profession — lawyer, politician, business woman, doctor, therapist, employer, minister — even landladies. We are expected to give more than men to our clients/patients/employees/congregations/tenants, to be more accessible to them, to be more willing to listen to and make accommodations for their personal problems.

Furthermore, the reaction of females and males to not getting what they want is also often very different. Males are much more inclined than females to violently act out their dissatisfactions, disappointments and anger.

I think this phenomenon may be relevant to an understanding of what happened to Stender. Because she was a woman — one whom the prisoners initially saw as a "good mother" who passionately wanted to free them no matter what they had done — she became the object of her clients' and would-be clients' expectations, hopes, demands and dreams. When she couldn't or wouldn't fulfill their wishes — for example, the request to supply a gun to George Jackson — she came to be seen as a betrayer, a "bad mother".

I am not maintaining that men in authority are not subject to some of these same dynamics. I am suggesting that these dynamics operate much more strongly with women in positions of authority than with men in such positions. And I am also arguing that the misogynistic attitudes and behavior of many men, whether in authority or subject to it, are often unleashed when women don't give them what they want — whether we are talking about sex, or wifely "duties" such as dinner being prepared on time, or efforts to release them from prison.

Marvin Stender said of Fay: "She loved Jackson; she had said to friends that, outside her own family, he and Newton were the only people she had ever been willing to die for." But she said this at the height of her commitment and belief in them and what they and she were doing, not after the psychic wounds she was subjected to prior to the savaging of her body and her soul with bullets.

Yes, betrayal is what Stender's story is about. Not the betrayal of George Jackson, but the betrayal of Fay Stender — Woman.

I would like to acknowledge my indebtedness to Peter Collier and David Horowitz for their well-researched, informative article "Requiem for a Radical" (New West, March 1981), to Joan Morris (pseudonym) for being willing to review this article and lend me her newspaper clippings, to Candida Ellis for her valuable editorial suggestions, and to Phyllis Chester for suggesting I submit it to On the Issues.

—D.E.H.R. **Diana E.H. Russell** is Professor of Sociology at Mills College and author of several books on violence against women, including the forthcoming *Femicide: The Politics of Women-Killing* (edited with Jill Radford). Her most recent book is *Lives of Courage: Women for a New South Africa* (Basic Books).



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